

**SCPD EMPLOYMENT FIRST OVERSIGHT COMMISSION**  
**MAY 9, 2017**  
**SMYRNA REST AREA, SMYRNA, DELAWARE**

**Present:** Dan Madrid, Chair, DMS/Performance Innovation; Marissa Catalon, Vice-Chair, DDDS; Paul Beane, AND; Deb Bradl, DVI; Pat Maichle, DDC; Cindy Sterling, SSDE; Laura Strmel, SJCS-DE; Laura Waterland, DLP; Amber Rivard, Support Staff.

**Guests:** Dr. David Mank, Disability and Community Inclusion at Indiana University  
Jason Crouch, Kent Sussex Industries (KSI)

**CALL TO ORDER/Introductions/Approval of Minutes**

Dan called the meeting to order at 9:40 am. Everyone introduced themselves. No approval of the minutes from February 14, 2017 and April 11, 2017 was made due to lack of quorum. Laura Waterland recommended the following addendum to the April 11<sup>th</sup> minutes:

**Having an open comment period for the draft policy document at the May 9<sup>th</sup> meeting. Comments could be put in the Appendix or using some other method. Dan will add this to the agenda for the June/July meeting to see how we want to move forward.**

**ADDITIONS OR DELETIONS TO THE AGENDA**

None

**BUSINESS**

**Conversation with Dr. Mank**

Dr. Mank is the Subject Matter Expert (SME) for EFSLMP and Vision Quest funded by U.S. Department of Labor (U.S. DOL) until September, 2017. He provides expertise, and policy recommendations.

Dr. Mank stated that EFOC has been successful in pursuing integrated competitive employment for people with disabilities. Six topics on a national level have been chosen to either inform or assist in the future steps for the Commission to consider in Delaware. The six topics that were prioritized on a national level are:

1. The Oregon Department of Justice (ODOJ) worked with the attorneys to provide an agreement in reducing workshops and improve the transition of students from school to employment. The final terms in the agreement were to build out competitive integrated employment. There was a human resource problem on the local level and not having the employment specialists. ODOJ had built their capacity level strategy by providing training and grant funds to the counties and non-profit agencies. They are investing in training technical assistance in different grants and funded resources (Washington Assistance in Funded Employment). He stated a concern for Delaware is an insignificant capacity for human resources and

support that is needed to assist individuals seeking employment. The investment is for the Developmental Disabilities Division. It is less than a million dollars per year for the state investment in Oregon. There was a problem that was created from Washington where the average work hours declined though more people moved into employment. State legislators have stated in Washington that every young individual that is DD eligible leaving high school with a job and will receive a Medicaid Waiver.

2. There was proposed legislation from New Hampshire's Senator Kelly Ion in eliminating sub-minimum wage. Representative Greg Harper from Mississippi proposed eliminating the sub-minimum wage on the House of Representatives' side. The WIOA Advisory Committee weighed in their thoughts on the sub-minimum wage legislation which included a phase out process over time in conjunction with building capacity. Sub-minimum wage will continue to be discussed in Delaware with an analysis on what organizations are still paying sub-minimum wage and what steps will be used to improve the outcomes in Delaware. In addition to their mission of seeking employment and improving transition services, the Workforce and Innovation Opportunity Act (WIOA) created an Advisory Committee on a national level to A.) Advise the Secretary and Congress in ways to improve employment and B.) Advise Secretary and Congress on the use of sub-minimum wage. The Committee provided a Sunset Clause and the legislation was signed by Obama in July 2014. Since the Advisory Committee had disbanded before the final discussions were made, the State should announce sub-minimum wage on a national level with competitive employment services.
3. Recommendations were made on 14(c) Certificates, issuing regulations on competitive integrated employment, and building capacity to improve transition outcomes (early school intervention and Vocational Rehabilitation).
4. Continuing technical assistance to individuals seeking competitive integrated employment under Javits Wagner O'Day (JWOD/Ability One). Discussion was made for what expansions could be made and the issue of who will enforce these recommendations that effect sub-minimum wages and competitive integrated employment services on a national level. The income from contracts for the federal government is \$3 billion per year under JWOD. There was suggestion to modernize the legislation by ADA standards. There could be a federal administration that could create a small group that will enforce recommendations in how to implement the legislation. Paul stated that Ability Network of Delaware (AND) invited two organizations with 14(c) Certificates to a meeting that discussed what the advocates do to promote the health and wellbeing of individuals in integrated competitive employment. The Commission discussed employment and how to transition individuals from employment seeking services into a paying job that could include starting with sub-minimum wage payment. Pat commented that some individuals with disabilities were put in institutions based on others judging that they cannot obtain competitive employment. Dr. Mank stated that is why the Commission wants to prove others wrong and that

individuals with any kind of disability can obtain employment. A Commission member asked if technical assistance is being used outside of what the State is offering other organizations. Dr. Mank stated that any state would support in-state capacity for technical assistance training. Dan added that he discussed this with Office of Disability Employment Policy (ODEP) contractor that assists in technical programs nationally in collecting evaluations on the programs that EFOC uses. There is a problem in not receiving training outside of the current field, particularly in the arena of business operations and management.

5. A proposal at the federal level was made that there could be a different federal match to competitive integrated employment services as an investment through state budgets. A second recommendation was for the Centers for Medicare and Medicaid Services (CMS) support of transitioning to a milestone payment model to better sustain employment outcomes. CMS issued a short memo on funding milestones and outcomes using CMS Waiver dollars. A suggestion was made to CMS to run a simulation of a new waiver, and what it would mean for the individuals that need the waiver. Discussion was made in educating the communities about different employment services statewide would encourage people to pursue employment. It could be spread through integrated settings while identifying other concerns.
6. WIOA recommendations are being developed in a series of one to two page flyers. The recommendations include types of funding recommendations, how they might work and what the State legislators can do to ensure the recommendations are supported by federal delegations. There was a discussion about the support of local legislators on the building capacity and the costs of investment in the WIOA recommendations. This topic will be a continued discussion with State legislators. Paul asked if there would be a form letter that may be drafted to gain the support of the Delaware federal delegation. Dr. Mank stated he could assist in drafting a letter briefing the legislators on the recommendations from WIOA and what additional supports may be helpful to the State of Delaware.

Dan thanked Dr. Mank for visiting the EFOC meeting to cover the main topics being discussed on the national level relating to employment. There will be continued discussion and how to build up capacity with opportunity for public comments. He added that he and Paul were invited by Representative Heffernan to discuss this type of work and recommendations for Delaware including capacity issues. Paul added that Representative Heffernan is willing to support a required state level training for State of Delaware employees on diversity and inclusion. Dan stated that this discussion should be expanded to town halls and other public meetings to receive everyone's feedback to keep revising the draft policy recommendations. Paul recommended the Commission consider a recommendation that technical assistance be provided organization with an RFP in creating and identifying more community-based employment funds.

EFSLMP Update

None

**OTHER BUSINESS**

None

**ANNOUNCEMENTS**

Dan suggested that Amber or Jo check the EFOC roster membership in what vacant slots are available to recruit for new membership.

**PUBLIC COMMENT**

A member of the public commented on the 14(c) on the special payment of sub-minimum wage. The law does not mention any sub-minimum wages but uses the term special minimum wages. A correction could be made in the analysis report.

**ADJOURNMENT**

Meeting was adjourned at 11:24 am.

Respectfully submitted,

Amber Rivard  
Administrative Specialist